

REMARKS

Claims 1-5, 7-10, 13-16, 19 and 21-26 are currently pending in the present application. Claims 1-5, 7-10, 13-16, 19 and 21-26 have been rejected. No claims have been canceled, amended or added.

**I. Rejections under 35 U.S.C. § 102**

Claims 1-5, 7-10, 13-16, 19 and 21-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,113,495 to Walker, et al. ("Walker"). In particular, the Office Action states, "Walker '495 teaches that the multimedia content may be displayed on display (362)." The Office Action also states, "Since all components are electrically connected, they are part of the player tracking device." Applicants respectfully traverse these statements and the pending § 102 rejections that result therefrom.

In order to anticipate a claim, a given reference must teach every material element of that claim. *See, e.g.*, MPEP § 2131. Independent claim 1 recites a "player tracking device including . . . at least one speaker and at least one display . . . for presentation [of] . . . multi-media information comprising video or one or more images." Similarly, both of independent claims 8 and 19 recite the step of "presenting said multi-media information [] at said gaming machine with said player tracking device." Applicants respectfully submit that Walker does not disclose a player tracking device having a speaker, and further, that Walker does not disclose a player tracking device having a display that can display multi-media information comprising video or one or more images.

- **Multi-Media Presented at Player Tracking Device**

The Office Action states that Walker teaches that multimedia content may be displayed on a *player tracking* display (i.e., item 362), and points to column 7, lines 44-61 of Walker in support of this proposition. Applicants respectfully submit that a careful read of

this passage, of FIG. 3, and of Walker in its entirety does not support such a proposition. In particular, Walker teaches that “the slot machine 300 preferably displays a *menu* of available premium entertainment services on the [player tracking] display 362 *or video display area 346*” (emphases added). Applicants respectfully submit that a “menu” itself is not multimedia content, and that there can be many instances of a menu *for* multimedia content where the menu itself is in simple text or other non-multimedia format. Applicants also note that Walker in general, and FIG. 3 in particular, describes and depicts “display 362” as belonging to “player tracking device 360,” while “video display area 346” belongs to a *separately delineated* “gaming machine 300.”

Furthermore, while Walker does go on to state, “the premium entertainment service received from the content provider may be multimedia information, including video [and/or] audio,” this teaching is clearly in the context of “the video display area 346,” as is denoted immediately thereafter. At no point does Walker specifically disclose or even suggest that multimedia content can be presented at player tracking display 362, or at the player tracking device in general. In fact, Walker goes on to state, “Thus, in addition to the video display area 346, which may be utilized to display the video and data information, the slot machine 300 preferably includes an audio speaker or headset 353.” Hence, in addition to Walker never affirmatively teaching that player tracking display 362 presents multimedia content, Walker also fails to provide a simple mention of such a possibility where it apparently discusses all other devices that are adapted to do so.

In addition, Applicants point out that a reference must be considered in its entirety, and note that the only specific commercial embodiment of “player tracking device 360” provided by Walker is that of U.S. Patent No. 5,429,361 to Raven et al. (“Raven”). However, Raven has been specifically discussed in detail *during the present prosecution*, and has been shown not to cover the very claim elements that are presently at issue. Applicants further

submit that it would be inappropriate to assume that a given item has any inherent feature or property where the only concrete example given for that item clearly does not contain such a feature or property, such that it is simply improper to assume that multimedia content may be displayed on the player tracking display 362 of the player tracking device 360 of Walker.

Each of the pending independent claims, however, requires the presentation of multimedia information at a gaming device or machine *by* or *with* a player tracking device, and not by some other display that might be located elsewhere at a gaming machine that happens to be associated with a separate player tracking device. As in the prior rejections in view of Raven, Applicants respectfully submit that the display of multimedia information by or with the player tracking device itself is fundamentally different than a display of such content at some other device, and that the present claims are unambiguous in specifying this element. Because this material element is missing from Walker, the pending anticipatory rejections cannot stand. Accordingly, Applicants respectfully request the withdrawal of the pending § 102 rejections with respect to all claims for at least this reason.

- Player Tracking Device Speaker

The Office Action also states, “Walker teaches . . . a player tracking device including . . . at least one speaker (353).” A careful review of Walker, however, shows that this speaker is simply not a part of the player tracking device (360) of Walker, but rather is a part of the overall gaming machine (300). Applicants also note that the speaker is described within the written description as being within the context of the overall gaming machine, and not the specific player tracking device, such as at column 7, lines 57-61.

Nevertheless, the Office Action further states, “Since all components are electrically connected, they are part of the player tracking device.” Applicants respectfully submit that this proposition is simply false, and that such logic is fairly analogous to stating that since most of the entire Internet is electrically connected, that all items electrically connected to the

Internet are part of an ordinary system printer connected to an online home computer. Of course, this is not the case. In fact, Walker is quite clear in its depiction of components in a relational schematic block diagram shown in FIG. 3, that "player card tracking device 360" is discrete and entirely separate from "gaming machine 300." As illustrated, "player card tracking device 360" clearly contains only a "display 362" and a "card reader 364" and no speaker, while "gaming machine 300" contains "video display area 346" and "audio speaker 353." Given the relationships and boundaries of FIG. 3 specifically and described by Walker in general, Applicants respectfully submit that no logical interpretation would include the "video display area 346" or the "audio speaker 353" as being part of the discrete and separate "player tracking card device 360." To hold otherwise would result in rendering any boundary of a schematic diagram as pointless.

Because this material element is also missing from Walker, the pending anticipatory rejections cannot stand. Accordingly, Applicants respectfully request the withdrawal of the pending § 102 rejections for at least this additional reason.

- Additional Claim Elements

Applicants also respectfully submit that many other material elements of the pending claims are similarly not present in Walker. For example, the Office Action further states, "The player tracking host (110) is also an information system host," without providing any support for such a proposition. Applicants respectfully submit that such an interpretation is illogical at least with respect to claim 2, where it is further claimed that "said information host [has received] an indication from said player tracking host," indicating that these hosts are separate items. Further, claim 7 requires a "top box supporting at least a portion of said player tracking device," where such a "top box" is a specific gaming machine term that is well known in the art, and which has not been shown to be present in Walker, much less specified as a location for a player tracking device. In addition, both of independent claims 8

and 19 recite the step of "transmitting [] multi-media information [] to said player tracking device." Because no multimedia information is transmitted to the player tracking device, as noted above, however, these claim elements are similarly not present in Walker. Because these material elements are not present in the prior art, the pending anticipatory rejections with respect to these claims and all claims depending therefrom cannot stand for these reasons as well.

Furthermore, independent claim 19 also recites the step of "storing said multi-media information at said player tracking device." Not only does Walker fail to disclose or suggest such a step or capability in its player tracking device, but the Office Action fails to point out where such a step exists in Walker at all. Independent claim 19 also recites the step of "periodically accessing stored multi-media information located at said player tracking device." As in the foregoing item, the Office Action again fails to point out where such a step exists in Walker, and Applicants respectfully submit that Walker does not teach such a step or capability. Because these material elements are not present in Walker or any of the prior art, the pending anticipatory rejections for independent claim 19 and all claims depending therefrom cannot stand for this additional reason as well. Accordingly, Applicants respectfully request the withdrawal of the pending § 102 rejections for at least the foregoing additional reasons.

## **II. Double Patenting Rejections**

Claims 1-5, 7-10, 13-16, 19 and 21-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 and 18-28 of copending U.S. Patent Application No. 10/242,559 ("the '559 Application").

Applicants respectfully submit that both the present application and the '559 Application are commonly assigned to and owned by IGT, such that an appropriate terminal

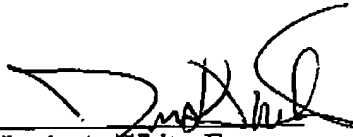
disclaimer could be filed if and when allowable subject matter is indicated and where the obvious-type double patenting rejection moves beyond its present provisional status. Applicants thus respectfully submit that a timely terminal disclaimer will be filed when and if it becomes necessary to do so.

### CONCLUSION

Applicants respectfully submit that all claims are in proper form and condition for patentability and thus request a Notification of Allowance to that effect. It is believed that no fee is due at this time. Should any fee be required for any reason related to this paper or application, however, then the Commissioner is hereby authorized to charge said fee to Deposit Account No. 50-0388, referencing Docket No. IGT1P128X2. The Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below with any questions or concerns relating to this paper or application.

Respectfully Submitted,  
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